

BINGEL et al., Ser. No. 09/701,658

REMARKS

Claims 16, 22, and 27-42 are pending. New claims 39 and 40 find support on pages 15 and 16 of the specification.

Applicants have amended claims 37 and 38 in response to the Examiner's objection to claim 38.

Claims 16-19, 21-25, 27 and 36 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,171,799 (Kioka et al.). Presently amended claim 16 does not include the compound ethylenebis(indenyl)zirconium phenoxy monochloride. Therefore, the claims are novel with respect to Kioka et al.

Claims 16-19, 21-25, 27-30, 33 and 36-38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,795,838 (Tsutsui et al.). Claims 20 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,795,838 (Tsutsui et al.) in view of Repo et al. (*J. Organomet. Chem.*, 1997). Applicants have amended the claims to further distinguish them from the cited art, and in a manner which is believed to be commensurate in scope with applicants showing of unexpected results. Neither Tsutsui et al. nor Repo et al. would have led one of ordinary skill in the art to the metallocenes of the present invention which are significantly more soluble than the corresponding metallocene dichlorides. Therefore, applicants urge that the present claims are allowable.